

Proposed Regulation Concept: Consolidation of California Universal Waste Regulations

Project Description

DTSC Reference Number: R-2006-02

This rulemaking will consolidate and reorganize the requirements contained in existing California Code of Regulations, title 22, chapter 23 for small and large universal waste handlers and cathode ray tube (CRT) handlers into a single set of standards for all universal waste handlers. This rulemaking will also establish a set of alternative management standards for electronic hazardous wastes pursuant to California's Electronic Waste Recycling Act of 2003, as amended (SB 20, Sher, Chapter 526, Statutes of 2003; SB 50, Sher, Chapter 863, Statutes of 2004).

This rulemaking makes final three (3) sets of emergency regulations:

- R-2006-02¹, adopted by DTSC as emergency regulations on June 5, 2006, amended chapter 23 (commencing with section 66273.1) of division 4.5 of title 22 of the California Code of Regulations to provide alternative standards for CRT materials, including CRTs, CRT devices, CRT glass, and consumer electronic devices which are referred to in the emergency regulations simply as electronic devices. These emergency regulations also include amendments to chapter 11, appendix X list of covered electronic devices to include televisions containing liquid crystal displays and plasma televisions with screens greater than four inches measured on the diagonal, and amendments to the requirements on manufacturer notices for electronic devices sold in California. These regulations will expire on June 5, 2008.
- R-2006-05, adopted by DTSC as emergency regulations on December 29, 2006, amends chapter 11, appendix X list of covered electronic devices to include portable DVD players with liquid crystal display (LCD) screens greater than four inches measured diagonally. These regulations will expire on December 29, 2008.
- R-2006-06, adopted by DTSC as emergency regulations on December 29, 2006, amends chapter 10 to include the prohibition on the sale in California of covered electronic devices that contain certain heavy metals. These regulations are based on the European Union's Directive 2002/95/EC, "Restrictions on the Use of Certain Hazardous Substances." These regulations will expire on December 29, 2008.

The broad objectives of these regulations are to:

¹ DTSC has combined the text of the three previous emergency regulation packages, R-03-19, R-04-12, and R-2005-06, (OAL reference numbers: [04-0526-01E](#), [04-1216-03E](#), and [05-0401-21E](#)) into one regulatory text document.

- Implement the Electronic Waste Recycling Act of 2003 regarding the identification and management of covered electronic devices.
- Establish restrictions on the use of heavy metals in covered electronic devices manufactured after January 1, 2007, that contain heavy metals, including cadmium, chromium, lead, and mercury, exceeding the maximum concentrations allowed by the European Union, as required by Health and Safety Code section 25214.10.
- Reorganize chapter 23 (commencing with section 66273.1) of division 4.5 of title 22 of the California Code of Regulations to make it more “user friendly,” align state regulations with new federal regulations on management standards for universal waste mercury-containing equipment (MCE), and consolidate management standards for small quantity and large quantity handlers of universal waste under one standard.

The specific objectives of the reorganization of chapter 23 would do all of the following:

- Combine standards for small and large quantity handlers of universal waste with standards applicable to all handlers of universal waste.
- Consolidate management requirements of mercury containing devices and align with new federal regulations for mercury-containing equipment.
- Split out authorization requirements for handlers who dismantle, drain, or process universal wastes from general standards for universal waste handlers into a new article 7 and add management standards for universal waste electronic devices.
- Align current CRT material export requirements with the new federal export requirements for CRTs being exported for recycling or reuse.